

In the United States District Court
for the Eastern District of Pennsylvania

In Re: John Lynch

Adversary No #1600301 AMC-2016

v

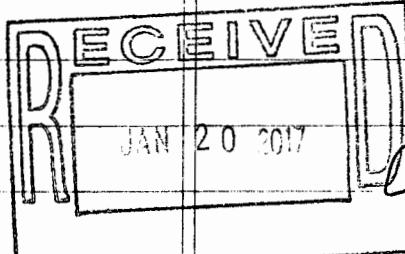
Evelyn Rivera

+

In Re Evelyn Rivera

Bankruptcy No #16-16269 AMC 2016

USDC #16-cv-5493



Adversary Brief on appeal of order
In denial of In Forma Chapter

to: the Hon. Legrome D. Davis,

this is an appeal from the denial of the
United States Bankruptcy Court Judge Ashley M. Chon
in the adversary proceeding captioned above
the adversary is presently separated from the file.

Procedural History

To the best of adversary recollection he was informed
on Sept 1st 2016 that the debtor moves to filing a
bankruptcy to elude payment of a judicial lien
held by Lynch in the Philadelphia Court of
Common Pleas #150304249.

In the United States District Court
for the Eastern District of Pennsylvania

In Re John J Lynch
vs

Evelyn Rivera

+

In Re Evelyn Rivera

Adversary # 1600301 AMC 2016

Bankruptcy # 1C-16-069 AMC 2016

USDC # 16-cv-5493

Adversary Brief on appeal of order
In Denial of In Forma Pauperis

To, The Honorable Legrome D. Dows,

this is an appeal from the denial of
the Petition to proceed In Forma Pauperis by the
United States Bankruptcy Court Judge Ashley M Chan
in Adversary proceeding captioned above, the
adversary Plaintiff is presently separated from the file

Procedural History

To the best of the Adversary's recollection he was
informed on (August 15 2016) that the debtor would
be filing a bankruptcy to elude payment of a
judical lien held by Lynch in the Philadelphia
Court of Common Pleas at No# 15-03-08249,

(2)
On the day before the scheduled Sheriffs sale the debtor, and her Community Legal services attorney appeared in the state court and Petitioned the court to stay the sale solely on the premises of a future filing of a bankruptcy without any order or authority in the bankruptcy code extending the bankruptcy protections to such premises of future filings, and the state court stayed the sale.

By staying the sale the state court did deprive the adversary of his rights stated in the Pennsylvania Constitution at article I section 11 due process of law and "the administration of justice without delay". It did so without stating what authority it had done so.

The adversary prepared an adversary complaint and In forma Pauperis Petition promptly filed and served them by US mail, and received notice of the chapter 7 Bankruptcy at about the same time,

the Bankruptcy Judge Ashley M. Chon denied the adversary's I. f. P. Petition without comment, and the adversary filed this appeal, and it is presumed jurisdiction was removed,

The adversary complaint claimed that the debt was not dischargeable pursuant to provisions of 523A and also sought a determination as to his right to recovery against the estate and all the interested parties for refusing to produce the insurance information ordered to be produced in the state Court by order of the court dated 9-15-15 of which the court and the adversary gave notice to all the interested parties in the Estate.

The Adversary claims that their refusal to produce that information obstructed the adversary's right to proceed pursuant to PA P.R.C. § 3159 1(6) the right of the plaintiff to maintain an action against an indemnity insurer upon return of execution unsatisfied against the insured, which are all the interested parties in the Estate.

The Debtor's Counsel filed a motion to dismiss the adversary filed a response to the motion clarifying his position with distinction which distinguished his case from those cited by the Debtor's Legal and Counsel.

The Bankruptcy Judge thereafter ordered the matter dismissed without comment, and presumably without

jurisdiction where an appeal had been taken in the matter

The adversary then filed another appeal from that order of dismissal with the clerk of the Bankruptcy court, and the chief judges office for the Bankruptcy court, which is presently in the process of being docketed,

Also in the interim of this appeal pendency the debtors counsel also filed a motion to avoid the judicial lien which is challenged in the adversary proceeding,

the adversary filed a response to the motion with the clerk of the Bankruptcy court in which he incorporates the pleadings of the adversary complaint and response to motion to dismiss by reference thereto,

the judicial lien is not a consumer credit debt, is not an auto accident or medical malpractice debt, and is distinguished.

the judicial lien is for the willful action of the debtor who opened the adversary's door to dangerous, and violent persons

Who were pounding upon the locked door attempting to gain entrance to do violence in adversary's home to the debtor, the adversary, told debtor not to open the door, and wait for police that the adversary had called,

Debtor did open the door, was attacked and on the floor when adversary attempted to rescue her. He was injured in his left eye permanently. It is the tinker doctrine that is controlling as stated in the adversary's response to the motion to dismiss.

Respectfully

Jeff Lynch

1-14-17

16-cv-5493

I, John J. Lynch, hereby certifies that I have served a true and correct copy of the attached brief upon the persons listed below by 1st class mail on the 15th day of January 2017.

① Jennifer Schaltz Esq. John J. Lynch
Community Legal Center
1410 W Erie ave
Phila PA 19140

② Evelyn Rivera
10814 Modena terr.
Phila PA 19154

③ US Trustee
Gary D. Seitz Esq
601 Walnuts
Suite #280
Phila PA 19106

U.S. MAIL
X-RAY

Out in Mail box
1-15-17

PPN 302783

John Lynch only tons
Philadelphia Department of Prisons
Philadelphia, PA 19136
PPN

16-cv-05493-COIS
Clerk of Court
U.S. District Court
601 Market St
Phila. PA 19106

USDC Case# 16-cv-05493-COIS

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Philadelphia Department of Prisons
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502783

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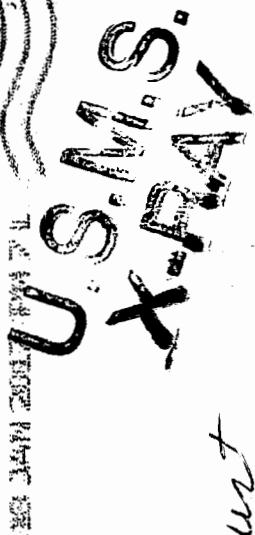
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United States District Court

601 Market St
Phila. PA 19106

U.S. MAIL

John Flynn
Philadelphia Prison System
Philadelphia, PA 19136
PPN 562783



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United States District Court
601 Market St
Philadelphia PA 19106

Corrected 1st Page for brief
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